

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ROBERT W. KNAAK,

Petitioner,

Civil No. 18-17309 (NLH)

v.

ORDER

WELLS FARGO BANK, N.A.,

Respondent.

HILLMAN, District Judge

WHEREAS this Court filed an Order dismissing this appeal on January 8, 2019 for failure to timely file a designation of record; and

WHEREAS Petitioner Robert W. Knaak filed the instant Motion to Reinstate the Appeal on January 15, 2019; and

WHEREAS Petitioner Knaak argues in his Motion to Reinstate that the December 28, 2018 Order of the Bankruptcy Court for the District of New Jersey entered by Chief Bankruptcy Judge Kathryn C. Ferguson stayed all cases in which the United States is a party, that this appeal was stayed, and that, therefore, his time to file a designation of record had not expired; but

WHEREAS this is an appeal before the United States District Court for the District of New Jersey and Chief Judge Ferguson's Order is inapplicable because it only applies to "[a]ll litigation in a bankruptcy case or adversary proceeding pending

in the United States Bankruptcy Court for the District of New Jersey"; and

WHEREAS Chief Judge Ferguson's Order specifically "warns debtors and litigants that th[e] order does not affect deadlines, and other rights concerning motions, adversary proceedings, or appeals involving parties other than the United States" (emphasis added); and

WHEREAS Petitioner Knaak also argues that his January 12, 2019 Motion to Stay all Bankruptcy Cases filed in the corresponding bankruptcy action to which he is a party stays this action; but

WHEREAS, even if the stay has been granted - of which Petitioner provides no assertion, Petitioner has only requested a stay of all proceedings in the "US BANKRUPTCY COURT OF THE DISTRICT OF NEW JERSEY," and not any proceedings pending before this Court; and

WHEREAS this Court finds these arguments provide no basis to reinstate Petitioner Knaak's appeal; and

WHEREAS, this Court finds it must also examine the effects of Standing Order 18-4 entered by Chief Judge Jose Linares of the United States District Court for the District of New Jersey; and

WHEREAS this Court finds Standing Order 18-4 inapplicable to this action because "the United States of America, its

agencies, its officers or employees (whether in their individual or official capacity and whether current or former employees), and/or any other party represented by the Department of Justice or the United States Attorney's Office" is not a party to this appeal; and

WHEREAS the only other party to this appeal is Respondent Wells Fargo Bank, N.A., which is a private entity; and

WHEREAS Petitioner Knaak also states that United States Chapter 13 Trustee Isabel C. Balboa has "named herself an interested party" to bankruptcy action 18-1533-ABA; and

WHEREAS Petitioner Knaak argues because Trustee Balboa is an interested party the underlying bankruptcy that this Court must reinstate his appeal because it should have been stayed; but

WHEREAS this Court finds Trustee Balboa is not a party to this appeal so Petitioner's argument is inapplicable;

THEREFORE

IT IS on this 5th day of February, 2019

ORDERED that the Clerk shall reopen this case; and it is further

ORDERED that Petitioner Knaak's Motion to Reinstate [5] is hereby **DENIED**; and it is further

ORDERED that the Clerk shall mark this case as closed.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.